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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,218	09/26/2003	Makoto Mogamiya	P23811	6836

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EXAMINER	
PRABHAKHER, PRITHAM DAVID	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
10/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/670,218	Applicant(s) MOGAMIYA ET AL.	
	Examiner Pritham Prabhakher	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☒ Claim(s) 9-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/05/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Claims 1-8 in the reply filed on 08/07/2007 is acknowledged. The traversal is on the ground(s) that the search of all of the species would be coextensive. This is not found persuasive because in the opinion of the examiner, the different embodiments of each of the lens systems would certainly require a different search for each embodiment.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 and 3-5 is rejected under 35 U.S.C. 102(e) as being anticipated by

Higuchi et al. (US Patent No.: 6829011B1).

*In regard to **Claim 1**, Higuchi et al. disclose an electronic still camera (Column 1, Line 17) comprising:*

*a photographing optical system (Lens 19 in **Figure 4B**);*

*an image pick-up device (Imaging element 27, **Column 11, Line 59**); and*

*a transmission optical component (Lens' from the structure 22 down to the image sensor 27 make up the transmission optical component, **Figure 4B**);*

wherein light rays of an object which are passed through said photographing optical system are incident on a sensor surface of said image pick-up device through said transmission optical component (Figure 4B),

wherein said transmission optical component is shaped so as to shift an image point of an object image formed through said photographing optical system rearwards with respect to said photographing optical system (Figure 4B).

*Regarding **Claim 3**, Higuchi et al. disclose the electronic still camera according to claim 1, wherein said transmission optical component includes a concave lens surface having a negative optical power (Lens attached to structure 22 has a concave lens surface with a negative optical power, **Figure 4B**).*

*With regard to **Claim 4**, Higuchi et al. disclose the electronic still camera according to claim 3, wherein the surface on the photographing optical system side of said transmission optical component comprises a concave lens surface (See lens attached to fixture 22 in **Figure 4B**).*

*Regarding **Claim 5**, Higuchi et al. disclose the electronic still camera according to claim 3, wherein said transmission optical component comprises a concave lens having a concave surface on the sensor surface side (See lens attached to fixture 23 in **Figure 4B**).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi et al. (US Patent No.: 6829011B1) as applied to claim 1 above, and further in view of Kobayashi (US Patent No.: 7084920B2).

*In regard to **Claim 2**, Higuchi et al. disclose the electronic still camera according to claim 1, wherein said electronic still camera comprises a shutter (Iris shutter unit 33 in **Figure 4b and Column 11, Line 10**), and*

*wherein said transmission optical component and said image pick-up device are positioned behind said shutter with respect to said photographing optical system (See **Figure 4B**).*

*Although Higuchi et al. disclose a shutter, the reference does not disclose a focal-plane shutter. Kobayashi discloses an image pickup apparatus with a focal-plane shutter, Shutter unit 8 in **Figures 1-5 and Column 1, Lines 39 et seq. of Kobayashi**. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the shutter taught by Higuchi et al. with the focal-plane shutter taught by Kobayashi because focal-plane shutters offer fast and accurate shutter speeds.*

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi et al. (US Patent No.: 6829011B1) as applied to claims 1 and 4 above, and further in view of Hamamura et al. (US Patent No.: 6700617B1).

*In regard to **Claim 6**, Higuchi et al. disclose the electronic still camera according to claim 4 with an image pick-up device as taught above. However, the Higuchi et al. reference do not teach or disclose that the image pick-up device has a protection glass on the photographing optical system side with respect to said sensor surface and that the said transmission optical component is installed on the photographing optical system side of said protection glass. Hamamura et al. disclose a CCD 121 with a protection glass layer 123, **Column 8, Lines 49-62 and Figure 4 of Hamamura et al.** It would have been obvious and well-known to one of ordinary skill in the art at the time of the invention to incorporate a protection glass on the surface of the image pick-up device because this protects the surface of the image pick-up device.*

Allowable Subject Matter

Claims 7-8 are objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pritham Prabhakher whose telephone number is 571-270-1128. The examiner can normally be reached on M-F (7:30-5:00) Alt Friday's Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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